D.B.CIVIL SPECIAL APPEAL NO.172/2006
ONGC VS. L.Rs of Abhay Prakash & Ors.

DATE OF ORDER : 23/1/2006

HON'BLE SHRI RAJESH BALIA, J.

HON'BLE SHRI CHATRA RAM JAT, J.

Mr.M.S.Singhvi, for the applicant.
Mr.G.R.Kalla, for the respondents.

This appeal comes up for orders on an application moved for seeking clarification/modification in the ex-parte ad-interim order passed by this Court on 12/12/2006 in following terms:-

> ".....Meanwhile, the award passed by learned District Judge shall remain stayed provided the appellant deposits the amount so awarded by the land acquisition officer. However, it will not be disbursed to the claimants but the amount shall be deposited in a term deposit of more than one year with any nationalised bank carrying interest thereon to be paid to the party who is ultimately found to be entitled to on the final decision of the appeal."

It is prayed that since the amount awarded by the Land Acquisition Officer has already been paid by the Corporation, the dispute relates to the enhanced amount awarded by the District Judge and the interim directions really related to the enhanced amount awarded by the District Court to be deposited in the Court. The other

condition about the amount so deposited in a term deposit of more than one year with any nationalised Bank carrying interest thereon, to be paid to the party who is ultimately found to be entitled to receive it, remains the same.

Learned counsel for the respondents urged that in terms of interim order, the appeal may be disposed of as it takes care of the interest of both the parties.

Accordingly, the appeal is disposed of by directing that during the pendency of the appeal before the learned Single Judge, the award passed by the learned District Court shall remain stayed provided the appellant deposits the enhanced amount awarded by the District Court in the court of learned District Judge. However, it will not be disbursed to the claimants but the amount shall be deposited in a term deposit with any Nationalised Bank carrying interest thereon to be paid to the party, who is ultimately found to be entitled to on the final decision of the appeal.

(CHATRA RAM JAT), J. (RAJESH BALIA), J.

Pankaj Baweja